

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Case No.: 3:20-cr-026-CAR-CHW-2
	:	Civil No.: 3:25-cv-162-CAR-CHW
ROBERT BOOKER, SR.,	:	
	:	Proceedings Under 28 U.S.C. § 2255
Defendant.	:	Before the U.S. Magistrate Judge
	:	

ORDER

Before the Court is a Motion to Vacate, Set Aside, or Correct a Sentence pursuant to 28 U.S.C. § 2255 filed by Movant Robert Booker, Sr. (Doc. 218). Movant has also filed a “Motion for Tolling Consideration/Access-to-the-Courts Claim”. (Doc. 219). On the face of the motion for tolling and the Docket, it appears that Movant’s Section 2255 motion is timely. Therefore, Movant’s motion for tolling and access to the courts (Doc. 219) is **DENIED as premature.**

After conducting an initial review in accordance with the provisions of Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court is unable to conclude that Movant’s Section 2255 motion (Doc. 218) is subject to summary dismissal.

IT IS THEREFORE ORDERED that within **thirty (30) days** of the date of this Order, Movant shall amend his Section 2255 motion to include every unalleged possible constitutional error or deprivation entitling him to federal habeas corpus relief, failing which Movant will be presumed to have deliberately waived his right to complain

of any constitutional errors or deprivations other than those set forth in his initial motion. If amended, Movant will be presumed to have deliberately waived his right to complain of any constitutional errors or deprivations other than those set forth in her initial and amended motions.

IT IS FURTHER ORDERED that the United States Attorney **RESPOND** to Movant's claims by filing an answer or other responsive pleading pursuant to Rule 5 of the Rules Governing Section 2255 Proceedings for the United States District Courts within **sixty (60) days** of the date of this Order.

SO ORDERED, this 8th day of October, 2025.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge